UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,918	10/10/2003	Darran Potter	50325-0809	2248

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EXAMINER
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ART UNIT	PAPER NUMBER
2141	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/683,918	POTTER ET AL.
	Examiner	Art Unit	
	Nicholas R. Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>3/12/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-34 have been examined and are rejected.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
> subject to the conditions and requirements of this title.

3.   Claims 18-34 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Specifically, the "computer-readable medium"

would reasonably be interpreted by one of ordinary skill in the art as failing to fall within

a statutory category of invention, because applicant's disclosure defines "computer-

readable medium" to include propagated signals (e.g., "light waves"; see page 16).

Thus, in the context of the disclosure and claims in question, one of ordinary skill

in the art would reasonable interpret the claimed subject matter to encompass intangible

embodiments. As such, the claimed invention is not limited to a process, machine,

manufacture, or composition of matter. Thus, the claimed limitations are not limited to

statutory subject matter and are therefore nonstatutory.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 10that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang

et al. (U.S. PGPub 2003/0035409).

6.   As per claim 1, Wang teaches a method for improving service accounting in a

network, the method comprising the steps of:

        authenticating and authorizing a client; (Wang, paragraph 0187; see fig. 2 and 3)

        sending an authorization accept message that includes an accounting record;

and (Wang, paragraph 0187 where the record is retrieved)

        causing the accounting record to be logged (Wang, paragraphs 0188-190; see,

e.g., paragraphs 0175-0177 and logging elements of fig. 3).

7.   As per claim 2, Wang teaches the system further comprising the step of obtaining

the accounting record for the client from an external resource (Wang, paragraphs 0186-

0187 and fig. 3).

8.   As per claim 3, Wang teaches the system further comprising the step of obtaining

the accounting record for the client from a Lightweight Directory Access Protocol

directory (Wang, paragraphs 0109-0115 and see structure of fig. 2).

9.   As per claim 4, Wang teaches the system further wherein the client is selected

from the group consisting of a wireless network client, a wired network client, and a dial

up client (Wang, abstract and paragraph 0080).

10.   As per claim 5, Wang teaches the system further wherein the step of causing to

be logged comprises causing the accounting record to be logged on a dedicated logging

device (Wang, paragraphs 0175-0177 and 0188-0190; see structure of fig. 2).

11.   As per claim 6, Wang teaches the system further wherein the step of causing to

be logged comprises causing the accounting record to be logged on an authentication,

authorization, and accounting server (Wang, paragraphs 0175-0177 and 0188-0190;

see structure of fig. 2).

12.   As per claim 7, Wang teaches the system further wherein the step of causing to

be logged comprises causing the accounting record to be logged on a network device

(Wang, paragraphs 0175-0177 and 0188-0190; see structure of fig. 2).

13.   As per claim 8, Wang teaches the system further wherein the step of causing to

be logged comprises logging the accounting record with a session start log entry

(Wang, paragraphs 0175-0177 and 0188-0190; see, e.g., session based logging of

paragraphs 0176).

14.   As per claim 9, Wang teaches the system further wherein the step of causing to

be logged comprises logging the accounting record with a session stop log entry (Wang,

paragraphs 0175-0177 and 0188-0190; see, e.g., session based logging of paragraphs

0176).

15.   As per claim 10, Wang teaches the system further wherein the accounting record

comprises a handle to a second accounting record (Wang, paragraphs 0199-0201).

16.   As per claim 11, Wang teaches the system further comprising the steps of:

      retrieving the second accounting record using the handle to the second

accounting record; and causing the second accounting record to be logged (Wang,

paragraphs 0199-0201).

17.   As per claim 12, Wang teaches the system further wherein the accounting record

comprises data in a plurality of attribute-value pairs (Wang, paragraph 0187).

18.   As per claim 13, Wang teaches the system further wherein the step of sending is

performed in a protocol selected from the group consisting of Remote Authentication

Dial In User Service, Terminal Access Controller Access Control System, Diameter, and

Security Assertion Markup Language (Wang, paragraph 0187).

19.   As per claim 14, Wang teaches the system further wherein a particular data set is

used in the step of authenticating and authorizing and the accounting record comprises

said particular data set (Wang, paragraph 0187 where the record is retrieved).

20.   As per claim 15, Wang teaches a method for improving service accounting in a

network, the method comprising the steps of:

        sending an authorization request; (Wang, paragraph 0187; see fig. 2 and 3)

        receiving an accounting record with an authorization accept message; and

(Wang, paragraph 0187 where the record is retrieved)

        causing the accounting record to be logged (Wang, paragraphs 0188-190; see,

e.g., paragraphs 0175-0177 and logging elements of fig. 3).

21.   As per claim 16, Wang teaches the system further wherein the step of causing to

be logged comprises causing the accounting record to be logged on a dedicated logging

device (Wang, paragraphs 0175-0177 and 0188-0190; see structure of fig. 2).

22.   As per claim 17, Wang teaches the system further wherein the step of causing to

be logged comprises causing the accounting record to be logged on an authentication,

authorization, and accounting server (Wang, paragraphs 0175-0177 and 0188-0190;

see structure of fig. 2).

23.   As per claims 18-34, Wang teaches the system further comprising a computer-readable medium carrying one or more sequences of instructions which, when executed by one or more processors, causes the one or more processors to perform the method recited in the parent claim (Wang, paragraphs 0080-0094).

Conclusion

24.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes:

U.S. Patent No. 7,203,190, which describes a service gateway network device that uses an AAA server over RADIUS;

U.S. PGPub 2002/0159442, which describes a method of identifying a network accessing user using a gateway network device; and

U.S. PGPub 2004/0258031, which describes a method of real-time authentication and billing in a gateway for wireless local area network traffic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141

JASON CARDONE
SUPERVISORY PATENT EXAMINER